

# SECRETARY OF STATE[721]

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary to make a technical correction to an existing subrule, adjust the notice of election to reflect updated text telephone (TTY) access technology, adopt a new rule relating to tabulation of election results for merged area special elections, and rescind a rule that is no longer necessary.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 9564B** on June 15, 2011. One public comment was received from a county auditor regarding new rule 721—21.204(260C). Although the requirement in rule 721—21.204(260C) is substantively the same requirement, the rule has been updated based on public comment to provide county auditors with two alternate methods for complying with the rule. In addition, rule 721—21.33(49) in Item 2 of the Notice was not adopted, but a revised version of the rule was Adopted and Filed Emergency and is published herein as **ARC 9893B**.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 43, 49, 53 and 260C.

These amendments will become effective January 4, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 21.2(2) as follows:

**21.2(2) Original absentee ballot applications.** The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. ~~The~~ If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the Friday before the election. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

a. The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received ~~in the mail~~ by the time the polls close on election day.

b. The voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark on the envelope containing the original absentee ballot application is either illegible or later than the Friday before the election.

ITEM 2. Amend subrule 21.50(10) as follows:

**21.50(10) Notice required.** Each notice of election published pursuant to Iowa Code section 49.53 shall clearly describe which polling places are inaccessible. The notice shall include a description of the services available to persons with disabilities who live in precincts with inaccessible polling places. The notice shall be in substantially the following form:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone or TTY number or E-mail address listed below:

Telephone: \_\_\_\_\_ TTY: \_\_\_\_\_ E-mail address: \_\_\_\_\_ . For TTY access, dial 711 + [auditor's office number].

ITEM 3. Adopt the following new rule 721—21.204(260C):

**721—21.204(260C) Tabulating election results by school district for merged area special elections.** All results for merged area special elections, including special precinct results, shall be tabulated by school district. To tabulate the special precinct results in this manner, the county commissioner may either program the voting equipment to tabulate the ballots in this manner or manually sort and tabulate the ballots by school district.

This rule is intended to implement Iowa Code chapter 260C.

ITEM 4. Rescind and reserve rule **721—21.600(43)**.

[Filed 11/9/11, effective 1/4/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.